Remarks

In the non-final Office Action dated October 26, 2009, it is noted that claims 1-35 are pending in the application. Claims 1, 12, 18, 21, 25, 29, 30, 32 and 34 are independent.

In the present response, claim 13 is cancelled without prejudice; and claims 1, 3, 12, 18, 21, 25, 29, 30, 32 and 34 are amended. Each independent claim has been amended to include features similar to those previously present in dependent claim 3, and claim 12 has been amended to further include features from claim 13. Thus, no new matter has been added.

Rejection of claims 1-6, 8-11, 18-20, 25, 27-29 and 32-35 under 35 U.S.C. 103(a) as being unpatentable over Milkey et al. (US 2005/0273514 A1, hereinafter "Milkey")

Applicants submit that, for at least the following reasons, claims 1-6, 8-11, 18-20, 25, 27-29 and 32-35 are patentable over Milkey.

For example, claim 1, in part, recites:

> *"means to locally deliver at the access point the at least one stored content file to the content user which requested the content file."*

In the Office Action, page 3, the Office conceded that Milkey does not explicitly disclose means to locally deliver at the access point the at least one stored content file to the content user which requested the content file. However, the Office stated that Milkey discloses the source device, the cache 118 delivers the content file to the client 112 such that the transfer is completed by the deadline, and thus alleged that one having ordinary skill in the art at the time the invention was made would have recognized that in order for the cache 118 to deliver the content to client 112 by the deadline time 't', it would require the cache 118 to schedule a file transfer commencement time at t-x seconds, where x is the transfer time; and thus alleged that it would have been obvious for a skilled person to include transferring the content from said cache server to a file receiving device at a second scheduled file transfer commencement time. Applicants respectfully disagree with such allegation.

Applicants submit that, in order to have the file transfer completed by the deadline time 't', it would only require the cache 118 to schedule a file transfer <u>at least</u> x seconds before the deadline 't'. Contrary to the assertion made by the Office, there is no need to commence the file transfer exactly at 't-x'. Thus there is no reason to have a file receiving device because the cache

server may simply transfer to file directly to the user at any time at least x seconds before the deadline t. Such a deadline would not impose any special constraint to the schedule or the operation of Milkey's cache server, and the cache server can meet the deadline without a need to introduce a new element: "means to locally deliver at the access point the at least one stored content file to the content user which requested the content file," as provided in claim 1.

Furthermore, Milkey, Fig. 1, clearly shows that servers 114, 120, 122 and cache 118 deliver content files directly to client 112. If one were to modify Milkey's system as suggested in the Office Action, e.g., by including, between the server/cache and the client, a means to locally deliver at the access point at least one stored content file to the content user which requested the content file, the resulting file delivery mechanism would have added complexity, and would not have helped with meeting the delivery deadline. Therefore, such a modification would not have been logical or obvious to one skilled in the art.

In addition, claim 1 has been amended to recite, in part:

> *"means to dynamically create a directory for a content user when a content file requested by the content user is downloaded from the content provider, and*
> *means to store the downloaded content file in the directory corresponding to the content user."*

In the rejection of claim 3 (Office Action, page 4), paragraphs [0038] and [0018] of Milkey were cited as allegedly teaching the above claimed features of claim 1. Applicants respectfully disagree.

Milkey, paragraph [0038] discloses a cache manager 414, which organizes and categorizes client downloads 340. However, according to Milkey, paragraph [0036], the cache manager 414 is a part of the central server 114, and the client downloads 340 are data files (content). Therefore, the organizing and categorizing is performed <u>inside</u> the central server 114 which comprises a cache manager 414. In contrast, the claimed invention requires a cache server to create a directory for a content user.

Furthermore, organizing and categorizing of the data files does not necessarily mean that the data files are placed in a directory or organized under a directory structure. The cache manager 414 categorizes files by file type, subject matter, or authors which are simply examples of file attributes, not directories. Also, the organized and categorized client downloads 340 are

data files stored in the central server and there is no discussion that the data files are linked to any content user. For argument's sake, even if a directory were to be created in the central server by the cache manager 414, there is no teaching that the directory would be created for a content user. In addition, there is no teaching or suggestion that the organization and categories are dynamically created when a content file requested by the content user is downloaded from the content provider, or that a directory is created to store the downloaded content file in the directory corresponding to the content user.

Therefore, Milkey also fails to teach or suggest the claimed features: means to dynamically create a directory for a content user when a content file requested by the content user is downloaded from the content provider, and means to store the downloaded content file in the directory corresponding to the content user.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Milkey.

Similarly, independent claim 18, in part, recites:

> "*means for transferring the downloaded content file to the content user mobile device;*
> *wherein the cache server comprises:*
> *means to dynamically create a directory for a content user when a content file requested by the content user is downloaded from the content provider; and*
> *means to store the downloaded content file in the directory corresponding to the content user.*"

Independent claim 25, in part, recites:

> "*upon an at least one content user mobile device logging in at the access point, transmitting the at least one content file to the at least one content user mobile device;*
> *dynamically creating a directory for a content user when a content file requested by the content user is downloaded from the content provider; and*
> *storing the downloaded content file in the directory corresponding to the content user.*"

Independent claim 29, in part, recites:

> "*dynamically creating a directory for a content user when a content file requested by the content user is downloaded from the content provider,*

> *storing the downloaded content file in the directory corresponding to the content user, and*
>
> *upon the content user mobile client device signing in to the access point wireless network, delivering the content file to the content user mobile device."*

Independent claim 32, in part, recites:

> *"dynamically creating a directory for a content user when a content file requested by the content user is downloaded from the content provider, storing the downloaded content file in the directory corresponding to the content user, and*
>
> *upon the content user mobile device being associated with the access point cache server, transferring the downloaded content file to the content user mobile device."*

Independent claim 34, in part, recites:

> *"dynamically creating a directory for a content user when a content file requested by the content user is downloaded from the content provider, storing the downloaded content file in the directory corresponding to the content user, and*
>
> *in response to a communication received from the mobile device, transferring the downloaded content file to the mobile device."*

Since independent claims 18, 25, 29, 32 and 34 each contains distinguishing features similar to those in claim 1, these claims are also patentable over the teaching of Milkey for at least the same reasons set forth above.

Claims 2-6, 8-11, 19-20, 27-28, 33 and 35 respectively depend from and inherit the features of their respective independent base claims 1, 18, 25, 32 or 34. Thus, these claims are also patentable for at least the same reasons discussed above.

Withdrawal of the rejection of claims 1-6, 8-11, 18-20, 25, 27-29 and 32-35 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claim 26 under 35 U.S.C. 103(a) as being unpatentable over Milkey in view of Ott et al. (US 2005/0128995 A1, hereinafter "Ott")

Applicants submit that there is no showing in the Office Action that Ott cures the deficiencies present in Milkey as discussed above for claim 25. Since claim 26 depends from

claim 25, for at least the same reasons set forth above, claim 26 is also patentable over Milkey and Ott.

Withdrawal of the rejection of claim 26 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claims 7, 30 and 31 under 35 U.S.C. 103(a) as being unpatentable over Milkey in view of Sidles (US 2002/0062342 A1)

Independent claim 30 recites, in part:

> *"dynamically creating a directory for a content user when a content file requested by the content user is downloaded from the content provider; storing the downloaded content file in the directory corresponding to the content user; synchronizing a content user mobile device at the second time to the access point; and transferring the cached content file to the content user mobile device."*

Since claim 30 contains many similar distinguishing features as in claim 1, and there is no showing in the Office Action that Sidles cures the deficiencies present in Milkey, Applicants submit that claim 30 is patentable over Milkey and Sidles for at least the same reasons set forth above for claim 1.

Claim 7 depends from claim 1, and claim 31 depends from claim 30. Thus, claims 7 and 31 are patentable for at least the same reasons as for claims 1 and 30.

Withdrawal of the rejection of claims 7 and 30-31 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claims 12, 14-16 and 21-24 under 35 U.S.C. 102(e) as being anticipated by Milkey

Independent claim 12, in part, recites:

> *"means to locally transmit the content file to a content user mobile device,"* and
> *"means for dynamically creating a directory for a content user when a content file requested by the content user is downloaded from the content provider; and means for storing the downloaded content file in the directory corresponding to the content user."*

Independent claim 21, in part, recites:

> "*transmitting the proxy to a cache server capable of using the proxy to download the content file from the remote content provider over the Internet and later transfer the downloaded content file to the client device; dynamically creating a directory for a content user when a content file requested by the content user is downloaded from the content provider; and storing the downloaded content file in the directory corresponding to the content user.*"

Since claims 12 and 21 each contains similar distinguishing features as in claim 1, for at least the same reasons set forth above, these claims are also patentable over Milkey.

Claims 14-16 and 22-24 respectively depend from and inherit the features of their respective independent base claim 12 or 21. Thus, claims 14-16 and 22-24 are patentable for at least the same reasons set forth above for claims 12 and 21.

Withdrawal of the rejection of claims 12, 14-16 and 21-24 under 35 U.S.C. 102(e) is respectfully requested.

Rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Milkey

Claim 13 is cancelled, rendering this rejection moot. Withdrawal of the rejection of claim 13 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner believes that there are unresolved issues, the Examiner is invited to contact the Applicants' attorney at (609) 734-6834, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
Li et al.

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